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REMARKS

The following is in response to the final Office Action dated July 28, 2006.

Claims 1-4, 6-24, 26-37 and 40-63 are pending in the application. Claims 1 and 32 have been amended, and claim 5 has been canceled.

Claims 1-24, 26-37, and 40-63 have been finally rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of the previously-cited Azonic Acoustical Analysis Service article (hereinafter "the Azonic article") and the Sound Control for Commercial and Residential Buildings brochure (hereinafter "Sound Control"). Applicants respectfully traverse this rejection for the following reasons.

The primary reference, the Azonic article, describes a system that simulates the use of Azonic noise and reverberation reduction products within a customer's defined space to customize the acoustical environment to the desired sound level and/or reverberation time. Included in a sound analysis kit is a starter gun that is discharged in specified room locations and recorded.

The Azonic system does not disclose or suggest detecting or simulating a desired noise performance with respect to noise reduction between rooms as recited in the independent claims. As stated in line 8 of the abstract of the Azonic article, the system is directed to measuring the desired sound level and/or reverberation time within a room, and providing detailed graphs and recommendations necessary to optimize sound reduction levels. All of the examples given in the Azonic article are directed to an auditorium, concert hall or studio. In addition, it is unclear how the Azonic system could detect noise performance levels between rooms or in a room-to-room simulation because the recording device and the starter gun are specifically described as having to be in the same room.

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The Sound Control brochure explains the products available for controlling sound and insulating certain locations. However, it does not take into account the room-to-room sound performance as recited in the independent claims.

In the outstanding Office Action, the Examiner suggests that the Sound Control brochure discloses room-to-room noise reduction at page 2, column 2. However, the improving cited section regarding office-to-office sound reduction merely states that when "the separating partition stops at the ceiling, sound can flank around the partition by traveling through the ceiling. This flanking sound travels up through the ceiling in one office, across the top of the partition and then down through the ceiling in the adjacent office. In many offices, this flanking path is significant and degrades the sound isolation between offices, particularly if the sound transmission class of the separating partition is greater than 45."

This citation does not disclose or suggest the claimed feature of the desired performance level including a desired performance level of noise reduction between rooms as recited in the independent claims. The Sound Control brochure does not overcome the deficiencies of the Azonic article because the Sound Control brochure does not disclose or suggest any means for measuring or determining the sound controlling performance between rooms as recited in independent claims 1 and 32.

Applicants respectfully traverse the Examiner maintaining the holding of Official Notice. Applicants specifically argued "the old and well known features in combination with the independent claims and associated dependent claims do not render the claimed invention obvious with respect to the Officially Noticed features." Per MPEP §2144.03(C), Applicants specifically refer to the Examiner's assertion of official notice in their previous arguments as quoted above. Therefore, the Applicant

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had adequately traversed the Examiner's assertion of official notice. In addition, the record is completely devoid of any evidence provided by the Examiner to substantiate her claim of official notice. Applicants respectfully request the Examiner provides some evidence to support the assertion that the claimed features are old and well-known.

The Azonic article and the Sound Control brochure, individually or in combination, do not disclose or suggest all of the features recited in independent claims 1 and 32. Accordingly, Applicants respectfully submit that 1-4, 6-24, 26, 37 and 40-63 are in condition for allowance, and a notification of allowance of is respectfully requested.

The Examiner is invited to contact the undersigned prior to issuing an Office Action in response to this Request for Continued Examination, so a personal interview can be scheduled with the Examiner to discuss the amendments and arguments made with respect to this application.

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Should any questions arise in connection with this application, or should the Examiner believe a telephone conference would be helpful in resolving any other issues pertaining to this application, the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

Date: NOV. 27, 2006

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